

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FREIGHTQUOTE.COM, INC.,

Plaintiff,

v.

DENNIS GERSHMAN, individually and
d/b/a PACIFIC ATLANTIC FREIGHT,

Defendant.

Civil Action No. 1:08-cv-00823

Judge St. Eve
Magistrate Judge Nolan

PLAINTIFF'S MOTION FOR ENTRY OF SCHEDULING ORDER

Plaintiff voluntarily agreed to set aside the April 3, 2008 entry of default in this case so that the parties could begin the discovery process expeditiously and proceed to a decision on the merits. Both sides confirmed that the April 28 Stipulation was being submitted "[i]n order for the parties to begin addressing the merits of this litigation without further delay" (Docket #22). The Stipulation also provided that Defendant would file an Answer to the Amended Complaint within twenty days of service (Id. at ¶¶ 4, 6).

In light of the parties' agreement to address the merits of this litigation "without further delay," Plaintiff proposed the following discovery schedule to Defendant over three weeks ago:

| | |
|--------------------|---|
| May 30, 2008 | Rule 26(a)(1) disclosures |
| June 30, 2008 | Last day to file any motion to amend pleadings/join parties |
| September 5, 2008 | Completion of fact discovery |
| September 19, 2008 | Initial expert reports from party bearing burden of proof |
| October 3, 2008 | Rebuttal expert reports |
| October 31, 2008 | Completion of expert discovery |
| November 14, 2008 | Last day to file dispositive motions |
| January 9, 2009 | Pretrial order |
| January 19, 2009 | Case ready for trial (estimated length: 3 court days) |

(Exhibit A). Despite the stated purpose of the parties' April 28, 2008 Stipulation and despite the fact that Defendant has been aware of this litigation for nearly four months, Defendant's counsel has unfortunately refused to agree upon a joint discovery schedule or propose an alternative schedule.

Accordingly, Plaintiff respectfully requests entry of the attached schedule which provides more than sufficient time to complete discovery and prepare this case for trial.

Respectfully submitted,

/s/ Raymond P. Niro, Jr.

Raymond P. Niro, Jr.

Dina M. Hayes

NIRO, SCAVONE, HALLER & NIRO

181 West Madison, Suite 4600

Chicago, Illinois 60602 4515

Phone: (312) 236 0733

Facsimile: (312) 236 3137

rnirojr@nshn.com; hayes@nshn.com

Attorneys for Freightquote.com, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2008, I caused the foregoing PLAINTIFF'S MOTION FOR ENTRY OF SCHEDULING ORDER to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

John W. Dozier, Jr.
Donald E. Morris
DOZIER INTERNET LAW, P.C.
301 Concourse Blvd.
West Shore III, Suite 300
Glen Allen, Virginia 23059
(804) 346-9770
Fax: (804) 346-0800
jwd@cybertriallawyer.com;
don@cybertriallawyer.com

Attorneys for Defendant
Dennis Gershman individually and
d/b/a Pacific Atlantic Freight

/s/ Raymond P. Niro, Jr.
Attorney for Plaintiff